

STATE OF WISCONSIN

CIRCUIT COURT

CALUMET COUNTY CV000017

ROCK ERICKSON  
W5866 ROYALTROON DRIVE  
MENASHA, WI 54952, and

MICHAEL BONGERS  
W5866 ROYALTROON DRIVE  
MENASHA, WI 54922,  
Plaintiffs,

v.

THE HOME DEPOT, INC  
1209 ORANGE STREET  
WILMINGTON, DE 19801

CIGNA HEALTH AND LIFE INSURANCE COMPANY  
900 COTTAGE GROVE ROAD  
BLOOMFIELD, CT 06002, and

XYZ INSURANCE COMPANY,  
Defendants.

Case No.: 17-CV-  
Case Code: 30107

Personal  
 Posted

Substitute  
~~Corporate~~

Process Server: Craig Mark  
Time: 10:30 AM Date: 3-28-17  
Address of serve: 844 S Euclid Avenue  
Waukesha, WI 53187  
Person Served: Jennifer Kendrick

## SUMMONS

THE STATE OF WISCONSIN

To each person named above as a defendant:

You are hereby notified that the plaintiffs named above have filed a lawsuit or other legal action against you. The complaint, which is attached, states the nature and basis of the legal action.

Within twenty (20) days of receiving this summons, forty-five (45) if you are an insurance company, you must respond with a written answer as that term is used in chapter 802 of the Wisconsin Statutes, to complaint. The court may reject or disregard an answer that does not follow the requirements of the statutes. The answer must be sent or delivered to the court, whose address is Calumet County Courthouse, 206 Court Street, Chilton, Wisconsin and to Attorney Ronald W. Tusler, plaintiff's attorney, whose address is Tusler Law, LLC, 207 W.

EXHIBIT

Page 1 of 2

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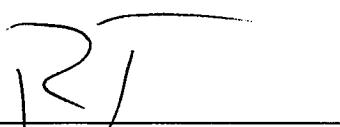
College Avenue, Suite 100, Appleton, Wisconsin 54911. You may have an attorney help or represent you.

If you do not provide a proper answer within twenty (20) days, or forty-five (45) if you are an insurance company, the court may grant judgment against you for the award of money or other legal action requested in the complaint, and you may lose your right to object to anything that is or may be incorrect in the complaint. A judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you own now or in the future, and may also be enforced by garnishment or seizure of property.

Signed in Appleton, Wisconsin this 10 day of February, 2017

**TUSLER LAW, LLC**  
Attorney for the Plaintiffs

By:

  
Atty. Ronald W. Tusler  
State Bar No. 1066815

**MAILING ADDRESS:**

Tusler Law, LLC  
207 W. College Ave, Suite 100  
Appleton, WI 54911

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### COMPLAINT

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NOW COME the plaintiffs, Rock Erickson and Michael Bongers, by their attorney, Ronald W. Tusler, and as for a cause of action against the defendants named above, allege and show to the Court as follows:

1. The plaintiff, Rock Erickson, is an adult residing at W5866 Royaltroon Drive, Menasha, Wisconsin.
2. The plaintiff, Michael Bongers, is an adult residing at W5866 Royaltroon Drive, Menasha, Wisconsin.

3. Upon information and belief, the defendant, The Home Depot, INC., is a corporation registered to do business in the State of Wisconsin with its principal office located at 1209 Orange Street, Wilmington, Delaware.
4. Upon information and belief, the defendant, Cigna Health and Life Insurance Company, is an insurance company registered to do business in the State of Wisconsin with its principal office located at 900 Cottage Grove Road, Bloomfield, Connecticut and its registered agent, CT Corporation System located at 8020 Excelsior Drive, Madison, Wisconsin 53717.
5. XYZ Insurance Company is a placeholder.
6. On February 12, 2014, Rock Erickson was shopping for carpeting at The Home Depot located at 2201 S. Kensington Drive in the City of Appleton, Calumet County, Wisconsin. Mr. Erickson was walking through the carpet section with an employee of The Home Depot, INC. when a protruding metal carpet display holder struck Mr. Erickson in the head causing injury.
7. The accident described above occurred due to the negligence of the defendant, The Home Depot, INC., in that the defendant failed to maintain a safe environment for its customers.
8. That as a direct and proximate result of the accident and the negligence of defendant, The Home Depot, INC., plaintiff, Rock Erikson, suffered from physical injuries which have caused the plaintiff to incur medical expenses. That said injuries are permanent in nature and will require further medical treatment. That the plaintiff also suffered from pain and suffering as a result of the injury

and permanent disability. That plaintiff's husband, Michael Bongers, suffered a loss of consortium due to Rock Erickson's injuries.

9. Cigna Health and Life Insurance Company is liable to the plaintiff for damages therein due to a policy of insurance which it issued to the plaintiffs, Rock Erickson and Michael Bongers, and which was in full force and effect at the time of the accident.

WHEREFORE, the plaintiffs demand judgment against the defendants in an amount to be determined for the damages caused by the accident, including personal injuries, property damage, a determination of the rights, if any, of rights of subrogated interests, pain and suffering and any other damages alleged, together with the costs, disbursements and attorney fees and such other further relief as the court deems just.

Signed in Appleton, Wisconsin this 10 day of Feb, 2017.

**TUSLER LAW, LLC**  
Attorney for the Plaintiffs

By:

  
Atty. Ronald W. Tusler  
State Bar No. 1066815

**MAILING ADDRESS:**

Tusler Law, LLC  
207 W. College Ave, Suite 100  
Appleton, WI 54911

Rock Erickson et al vs. The Home Depot, INC. et al

**Electronic Filing  
Notice**Case No. 2017CV000017  
Class Code: Other-Personal InjuryFILED  
02-13-2017  
Clerk of Circuit Court  
Calumet County  
2017CV000017

THE HOME DEPOT, INC.  
1209 ORANGE STREET  
WILMINGTON DE 19801

Case number 2017CV000017 was electronically filed with/converted by the Calumet County Clerk of Circuit Court office. The electronic filing system is designed to allow for fast, reliable exchange of documents in court cases.

Parties who register as electronic parties can file, receive and view documents online through the court electronic filing website. A document filed electronically has the same legal effect as a document filed by traditional means.

You may also register as an electronic party by following the instructions found at <http://efiling.wicourts.gov/> and may withdraw as an electronic party at any time. There is a \$ 20.00 fee to register as an electronic party.

If you are not represented by an attorney and would like to register an electronic party, you will need to enter the following code on the eFiling website while opting in as an electronic party.

**Pro Se opt-in code: 47cab4**

Unless you register as an electronic party, you will be served with traditional paper documents by other parties and by the court. You must file and serve traditional paper documents.

If you have questions regarding this notice, please contact the Clerk of Circuit Court at 920-849-1414 .

**BY THE COURT:**

Electronically signed by Connie Daun  
Clerk of Circuit Court

02-13-2017  
Date